IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 26727 of 2007(F)

PETITIONERS:

1. RENJITH KUMAR,S/O. V.A.SOMAN,AGED 24,
   VATTATHARA HOUSE, AMRUTHI JUNCTION,
   RAMESWARAM VILLAGE.

2. ASWINI PARAPALLY, AGED 35,
   PARAPALLY HOUSE,AMRUTHI JUNCTION,
   RAMESWARAM VILLAGE.

BY ADV. SRI.S.SREEKUMAR
SRI.P.MARTIN JOSE

RESPONDENTS:

1. CORPORATION OF KOCHI, REPRESENTED BY
   ITS SECRETARY.

2. THE SECRETARY, CORPORATION OF COCHIN.

3. DR.ANTONY K. JOHN,S/O. JOHN,
   18/1898,KUTTATHILPARAMBIL HOUSE,
   PALLURUTHY.

4. DR.PREETHA.K.JOHN,W/O. DR.ANTONY K. JOHN
   18/1898,KUTTATHILPARAMBIL HOUSE, PALLURUTHY.

R1 & R2 BY ADV.SRI.S.RAMESH BABU, SC.

R3 & R4 BY ADV.SRI.PHILIP T.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.26727 OF 2007

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DATED THIS THE 11TH SEPTEMBER, 2007

J U D G M E N T

Sri.Philip T.Varghese enters appearance on behalf of the party-respondents. He submits that Ext.P3 representation was filed by the petitioners on 4.9.2007 and the Writ Petition was filed immediately thereafter, on 6.9.2007. The grievance of the petitioners who are neighbours of respondents 3 and 4 is that a residential building which was constructed by respondents 3 and 4 on the basis of Ext.P1 permit is now going to be used for commercial purposes by setting up a homoeopathic hospital. Sri.Philip T.Varghese submits that both respondents 3 and 4, husband and wife, are Homoeopaths and the proposal is only to have their clinic-cum-consultancy in their residential building.

2. I do not propose to go into the correctness of the rival versions. Ext.P3 is pending before the Secretary of the Corporation of Kochi. The Secretary of the Corporation will take up Ext.P3 immediately, hear the 3rd respondent or the 4th respondent and also one of the petitioners and take a correct and just decision on Ext.P3 at the earliest and at any rate within three weeks of receiving copy of this

judgment. The numbering of the building, if the same is otherwise due, will be provisional and subject to the result of Ext.P3.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

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